

ALGERIA

CCPR A/47/40 (1992)

264. The Committee considered the initial report of Algeria (CCPR/C/62/Add.1) at its 1125th, 1128th and 1129th meetings, held on 25 and 27 March 1992 (CCPR./C/SR.1125, SR.1128 and SR.1129). (For the composition of the delegation, see annex VIII.)

265. The report was introduced by the representative of the State party who explained that, following the adoption of the Constitution on 23 February 1989, a process of wide-ranging reform had been launched aiming at establishing democratic institutions based on a multiparty system, freedom of the press, the separation of powers and an independent judiciary. Those structural reforms had been given expression at the international level through the country's accession to the principal international human rights instruments. Since the submission of the report, the protection of human rights had been strengthened by the creation of a national human rights monitoring body. However, the disparity between the rapid progress of legislation and the actual situation in the country had led to a crisis and the authorities had been obliged recently to take steps to restore the authority of the State.

266. Members of the Committee welcomed Algeria's accession to the Covenant and expressed satisfaction with the opportunity to engage in a dialogue with the Government of Algeria. Noting that the report had been prepared in April 1991 and therefore did not cover recent events, they stressed the need for more information about developments during the period subsequent to the report's issuance, particularly events relating to both the state of emergency declared in June 1991 and the current state of emergency.

267. With regard to the constitutional and legal framework within which the Covenant was implemented, members of the Committee wished to receive further information on the status of the Covenant in domestic law, in particular in the light of the decision made by the Constitutional Council giving the Covenant precedence over national legislation. Noting that the Constitution had been drafted shortly before Algeria's accession to the Covenant, but that the Covenant had not been taken as a model, members wished to know the status of chapter 4 of the new Constitution, which dealt with citizens' rights and liberties, and how that chapter related to the relevant provisions of the Covenant. Observing that the provisions of the Covenant formed an integral part of Algerian law and could be directly invoked before the courts, they also wished to know what remedies were available in cases where a violation of the Covenant did not constitute an infraction under Algerian law. Additionally, it was asked what measures had been taken to promote knowledge of the Covenant and its provisions and whether any publicity campaigns or educational programmes had been undertaken.

268. Concerning recent political developments, members wish to receive necessary additional information on the suspension of the democratic process and the cancellation of the second round of legislative elections, which had occurred at the beginning of 1992, and wished to know how the recent attempt of anti-democratic forces to use the democratic process to come to power was viewed by the Algerian authorities in the context of article 5 of the Covenant. With regard to article 4 of the Covenant, members wished to receive additional information on both the first state of emergency

declared on 4 June 1991 and the more recent one declared in February 1992. In that connection, they inquired whether the Government had made use of the notification procedure laid down in article 4, paragraph 3, of the Covenant. Members also asked what rights had been derogated from during both states of emergency and what was the constitutional or statutory basis for ensuring conformity with article 4, paragraph 2, of the Covenant. Further information was also sought on any factors and difficulties, other than the states of emergency, that affected the implementation of the Covenant.

269. Regarding the prohibition of discrimination on various grounds, clarification was requested as to the compatibility with the Covenant of article 28 of the Constitution, of the requirement of a dowry when contracting marriage and of the right of a husband to take more than one wife. In that connection, members wondered how the prohibition of discrimination against women could be reconciled with Algeria's traditional values and patriarchal culture. Regarding the status of aliens in Algeria, it was asked in which respects the rights of aliens were restricted as compared with those of citizens and whether aliens who married Algerian citizens could pass on their nationality to their children.

270. In connection with article 6 of the Covenant, members of the Committee requested clarification as to the offences that were currently punishable by the death penalty; the number of executions that had taken place over the past year; on the recourse available against a death sentence, including cases where a sentence had been passed by a military tribunal; and the procedure for granting pardon under the current state of emergency. In the light of the provision of article 6 of the Covenant requiring States parties that had not abolished the death penalty to reserve it for the most serious crimes, members asked why the imposition of the death penalty for economic offences was allowed. It was also asked what the rules and regulations were governing the use of force by the police and security forces during peaceful demonstrations; whether there had been any violations of those rules and regulations and, if so, what measures had been taken to prevent their recurrence; and what progress had been made in reducing infant mortality.

271. With reference to articles 7, 9, 10 and 11 of the Covenant, members of the Committee wished to know what measures had been taken to ensure respect for article 7 of the Covenant, particularly during the states of emergency; what measures had been taken to punish individuals responsible for acts of torture or cruel, inhuman or degrading treatment or punishment and to prevent the recurrence of such acts; whether there were any difficulties in carrying out medical examinations of detained persons, family was informed and how quickly such person could contact a lawyer; what the normal time-limit for custody was; what the reasons were for placing people under administrative detention in internment camps. Clarification was also requested of the compatibility with article 11 of the Covenant of the provision of the domestic law referred to in the report that provided for criminal prosecution on the grounds of fraud or misrepresentation.

272. Regarding article 14 of the Covenant, members of the Committee wished to receive further information on the guarantees for the full independence and impartiality of the judiciary, in particular in such matters as the right to retire, the independence of the body responsible for appointments, and the protection of judges from criminal and civil process and against any form of pressure; on the composition and functions of the Constitutional Council and the High Council of the Judiciary; and on the status, composition and procedures of military tribunals. In that regard,

it was asked how the practice of having military courts deal with offences committed by civilians could be reconciled with the provisions of the Covenant. It was also asked why the High Council of the Judiciary was headed by the President of the Republic; whether the six-year term accorded to the President of the Constitutional Council was sufficient to guarantee his independence; why judges become irremovable only after 10 Years of effective service; and whether free legal aid was available to persons facing sentences of less than five years of imprisonment.

273. In connection with articles 17, 18 and 19 of the Covenant, additional information was requested on restrictions on freedom of opinion and expression and freedom of the press, particularly during the states of emergency. Clarification was also requested of article 77 of the Information Act, which prescribed penalties and imprisonment for criticism of Islam; of the privileges enjoyed by Islam, which was the State religion, as compared with other religions, including newer religions; and of any problems encountered regarding the relationship between Islam and human rights.

274. With regard to articles 21 and 22 of the Covenant, members of the Committee wished to know whether the National People's Assembly had been allowed to meet during the states of emergency declared in June 1991 and February 1992 and whether any restrictions had been placed on freedom of association, the right to strike and the right to hold public meetings during those states of emergency.

275. With reference to article 25 of the Covenant, members of the Committee wished to receive additional information on the general legal framework and the constitutional process that had made possible the resignation of the President of the Republic and the recent suspension of elections and they also wanted more information on the legal requirements for the registration of political parties and the grounds on which requests for registration could be rejected. They also requested clarification of the legal basis for dissolving certain political parties, such as the Islamic Salvation Front, and other associations during the current emergency. They asked whether that action could be reconciled with article 25 of the Covenant and whether the Constitutional Council had ever examined the constitutionality of the electoral law.

276. Regarding article 27 of the Covenant, members of the Committee wished to receive additional information on the situation of ethnic, religious or linguistic minorities in Algeria and requested clarification of the statement in the report that the Algerian people was characterized by homogeneity. In that regard, further information was sought on the Berbers and on any measures taken to foster and preserve their culture and language.

277. In his reply, the representative of the State party explained that a state of siege had been declared on 4 June 1991 for a period of four months following civil disturbances that had lasted for more than a week, and which had created a situation of public danger posing a threat to the operation of the Government. As a result of the disturbances, 55 deaths had been reported, including members of the police and armed forces. In accordance with article 4 of the Covenant, the Secretary-General had been notified of the Government's action on 19 June 1991. The state of siege had been lifted on 29 September 1991, before the end of the four-month period. The legal basis for the declaration of the state of siege was article 86 of the Constitution. The state of siege had entailed derogations

from article 9, paragraph 3; article 12, paragraph 1; article 17; article 19, paragraph 2; and article 21 of the Covenant had been respected. Five detention centres had been established and a total of 1,000 people had been held in those centres. All detainees had been released when the state of siege was lifted, except those convicted of criminal offences.

278. A state of emergency had again been declared on 9 February 1992 for a duration of 12 months. As a result of the events that had led to the declaration of the state of emergency, 99 deaths had been reported as of 19 March 1992, including 23 deaths among members of the police and the armed forces. The state of emergency could be lifted before the end of that period if the situation stabilized. The Secretary-General had been notified on 13 February 1992 of derogations from article 9, paragraph 3; article 12, paragraph 1; article 17 and article 21 of the Covenant. Six security centres had been established, where a total of 8,800 detainees were being held. So far 2,500 of the detainees had been tried and 1,420 convicted. Guidelines concerning respect for human rights had been issued to the personnel of the centres. Although medical controls were lacking at the places of detention, the situation was improving and would be helped further by the imminent release of many internees. Family visits had been allowed and a number of humanitarian organizations had visited the centres.

279. Turning to the electoral process, the representative of the State party explained that the dissolution of the National People's Assembly and the resignation of the President had created a situation not anticipated by the Constitution. Consultations among the President of the Constitutional Council, the Head of the Supreme Court, the army and High Council of Security had been held regarding ways to provide continuity and the normal functioning of the State. They had reached the decision that it was impossible to continue the electoral process, that public security had to be protected and that the High Council of Security would assume and retain the executive power until the constitutional crisis had passed.

280. Referring to questions relating to the status of the Covenant, the representative of the State party explained that the Constitution had been promulgated prior to the ratification of the Covenant; accordingly, the constitutional provisions had not been based exactly on the corresponding provisions of the Covenant. While, in principle, the Covenant took precedence over domestic legislation, the courts had not yet ruled on the matter. A range of institutions, including law faculties, police academies and training institutes for staff serving in penitentiaries, participated in efforts to make the provisions of the Covenant known to the public.

281. With regard to questions relating to equality and non-discrimination, the representative of the State party said that measures had been taken to provide women access to education and vocational training so as to equip them to enter the workforce. Once a woman reached the age of majority she had complete control over her own money irrespective of her marital status. Polygamy which was discouraged by the Koran and severely restricted by the Algerian Family Code, appeared to be dying out. The child of an Algerian mother and a foreign father was given an opportunity to reject Algerian citizenship one year before attaining majority.

282. With reference to article 6 of the Covenant, the representative said that consideration was being given to the possibility of abolishing the death penalty. At present, the death penalty could be imposed for murder, for certain crimes against national security, such as treason or espionage,

and for sabotage against the national economy. However, no death sentence for economic offences had been carried out in over 30 years and the usual procedure was commutation to imprisonment. A death sentence could be appealed to the Supreme Court, through an application for judicial review of the facts, and an appeal could be made for a presidential pardon. In the past five years, five sentences of death had been imposed, all for murder. Although guidelines on the use of firearms by the police had been issued, abuses had been noted and investigations were being carried out.

283. Regarding articles 7,9,10 and 11 of the Covenant, the representative emphasized that torture and other cruel, inhuman or degrading treatment or punishment were prohibited by the criminal law and that perpetrators had been brought to justice. A number of the investigations of reported incidents involving the police forces were currently under way. Members of certain political parties had not been detained because of their political opinion but rather for violations of the Associations Act, which prohibited the promotion of fanaticism or incitement to violence. Under normal circumstances, individuals could be held in police custody without charge for 24 hours. For offences against national security, that period was doubled. Imprisonment for debt *per se* did not exist in Algeria, but if a debtor failed to comply with court orders the possibility of imprisonment might arise. Given the very stringent conditions laid down in the Code of Civil Procedure, there had never been any instance of imprisonment for debt in Algeria.

284. Referring to questions relating to article 14 of the Covenant, the representative of the State party explained that military tribunals were composed of two military magistrates and a civilian magistrate, who presided. In normal times, such tribunals had jurisdiction only for military offences or criminal offences occurring within military establishments. During states of emergency, however, their competence had been extended to violations of state security. Military tribunals followed the normal procedure for investigation and trial and their decision could be appealed. The requirement that judges have 10 years of service in order to attain permanent tenure had been introduced only recently and the decisions of lower court judges were reviewed by those at higher levels, who had permanent tenure. The careers of judges were supervised by their peers and disciplinary actions were taken by the High Council of the Judiciary, which consisted of 25 members. That institution was chaired by the President of the Republic because his presence, as the guardian of the Constitution, was felt to be symbolic. The Constitutional Council consisted of seven members, of whom two were appointed by the President of the Republic, two were elected by the National People's Assembly and two were elected by the Supreme Court. The President of the Constitutional Council was appointed by the President of the Republic for a single 10-year term. Experience would show whether that arrangement reduced the independence of the Council.

285. In response to questions relating to articles 17, 18 and 19 of the Covenant, the representative said that the prohibition of offences against the State or against Islam or other religions was in conformity with article 19, paragraph 3, of the Covenant, which stipulated that the exercise of the right to freedom of expression carried with it special duties and responsibilities and could be subject to certain restrictions provided by law. Verification of the accuracy of publications could take place only through legal channels, either in the case of persons claiming defamation or in the case of allegedly false information affecting the security of the State. The status of Islam as the State religion was not incompatible with freedom of conscience because the Algerian State was a Republic that did not impose Islam on its people; other religious communities existed and were provided subsidies and assistance.

286. With regard to articles 21, 22 and 25 of the Covenant, the representative said that a political party had been dissolved on the basis of the Associations Act, which prohibited incitement to violence. That dissolution was currently being appealed before the Supreme Court. Restrictions on the right to form trade unions in the interests of national security were in conformity with article 22 of the Covenant.

287. In connection with article 27 of the Covenant, the representative of the State party emphasized that Berber culture was considered to be an integral part of the Algerian identity and that Berber-speaking persons were not viewed as constituting an ethnic or linguistic minority. Efforts were being made to promote the Berber language through the national media, education and the development of a writing system.

Concluding observations by members

288. Members of the Committee thanked the representative of the State party for his cooperation in presenting the report and for having engaged in a discussion that had been particularly constructive. The delegation had endeavoured to answer members' questions candidly without trying to conceal the difficulties. The report, which had been submitted within the specified period, contained detailed information on the laws and regulations relating to the implementation of the Covenant. However, it contained only scant information about the implementation of the Covenant in practice and about factors and difficulties impeding the application of the Covenant.

289. Members noted with satisfaction that Algeria had ratified or acceded to a number of international human rights instruments and had included in its Constitution various provisions relating to human rights and that a national human rights-monitoring body had been established. Members nevertheless considered that their concerns had not been fully allayed, especially with regard to the suspension of the democratic process and the blocking of democratic mechanisms. Members expressed concerns especially as to the high number of arrests and the abusive use of firearms by members of the police in order to disperse demonstrations; respect for due process of law, particularly before military tribunals; real possibilities for implementing the right to a fair trial; the large number of reported cases of torture and ill-treatment; the restrictions on rights to freedom of opinion and expression, and freedom of the press; the many cases of discrimination against women; and the non-recognition of minorities, especially the Berbers. Members also considered that, in the light of the provision of article 6 requiring States parties that had not abolished the death penalty to reserve it for the most serious crimes, it was contrary to the Covenant to impose the death penalty for crimes that were of an economic nature.

290. The representative of the State party said that the dialogue with the Committee had been very profitable and that the Committee's observations on his country's initial report would serve to improve Algeria's human rights activities. Algeria was anxious to lift the state of emergency as soon as possible and to return to normal political conditions. Democracy was not under threat but, in order to save it, it had been necessary to halt the electoral process temporarily, as all participants in the democratic process had to be respectful of that process.

291. In concluding the consideration of the initial report of Algeria, the Chairman said that the

dialogue between the representative of Algeria and the Committee had been extremely useful and had demonstrated how much progress had been made in Algerian legislation. He expressed the hope that the state of emergency, which had been declared for one year, would be lifted sooner than planned.

Comments of the Committee

292. As indicated in paragraph 45 above, the Committee, at its 1123rd meeting, held on 24 March 1992, decided that henceforth, at the conclusion of the consideration of a State party's report, it would adopt comments reflecting the views of the Committee as a whole.

293. In accordance with that decision, at its 1147th meeting, held on 9 April 1992, the Committee adopted the following comments.

Introduction

294. The Committee notes that the dialogue with the Algerian delegation was particularly constructive, because the delegation endeavoured to answer members' questions candidly without trying to conceal the difficulties. It thanks the State party through the latter's representative for its good report, which was submitted within the specified period. The report contains detailed information on the laws and regulations relating to the application of the provisions of the Covenant. The Committee regrets, however, that the report includes little information concerning the actual application of human rights standards. It also regrets the failure of the report to indicate the factors and difficulties that are impeding the application of those standards. Lastly, it notes with regret that the report, having been submitted on 5 April 1991, could make no reference to the states of emergency, notification of which reached the Secretary-General on 19 June and 13 February 1992, respectively.

1. Positive aspects

295. The Committee notes with satisfaction that Algeria has ratified or acceded to a number of international human rights instruments, in particular the Covenant and the first Optional Protocol thereto, and has made the declaration provided for in article 41 of the Covenant. In addition, Algeria has included in its Constitution various provisions relating to human rights and has amended a number of legislative texts in order to reflect international human rights standards. The Committee also notes with satisfaction the establishment of a Ministry of Human Rights, later replaced by a national human rights monitoring body.

2. Factors and difficulties impeding the application of the Covenant

296. The Committee notes that at the time of the submission of the report, Algeria was in a process of transition to democracy. Since that time, Algeria has been faced with substantial difficulties that have brought this process to a standstill. The Algerian authorities, therefore, considered such ways

and means as seemed appropriate to them to prevent forces that they considered hostile to democracy from taking advantage of democratic procedure in order to harm democracy. Among the measures adopted in this respect are the proclamation of the two states of emergency and the interruption of the electoral process.

3. Principal subjects of concern

297. The Committee expresses its concern regarding the suspension of the democratic process and, in general, regarding the blocking of democratic mechanisms. It is concerned about the high number of arrests (8,800) and the abusive use of firearms by members of the police in order to disperse demonstrations. The Committee expresses doubts about respect for due process, especially before military tribunals, about the real possibilities for implementing the right to a fair trial, about the numerous cases of torture and ill-treatment that have been brought to its attention and about the restrictions on rights to freedom of opinion and expression and freedom of the press. The Committee further considers that, in the light of the provision of article 6 requiring States parties that have not abolished the death penalty to reserve it for the most serious crimes, it is contrary to the Covenant to impose the death penalty for crimes that are of an economic nature.

298. The Committee also regrets the many cases of discrimination against women and the non-recognition of minorities, especially the Berbers.

4. Suggestions and recommendations

299. The Committee recommends that Algeria put an end as promptly as possible to the exceptional situation that prevails within its borders and allow all the democratic mechanisms to resume their functioning under fair and free conditions. It draws the attention of the State party to the fact that the Covenant does not permit derogation from certain rights even in times of emergency and that, therefore, any excesses relating to, inter alia, the right to life, torture and the right to freedom of conscience and expression are violations of the Covenant, which should not be allowed to continue. The Committee hopes that the State party will make an evaluation of the application of the provisions of the Covenant after the report was written and would like to be kept informed of any changes in the situation and of all future developments.

CCPR A/53/40 (1998)

349. The Committee considered the second periodic report of Algeria (CCPR/C/101/Add.1) at its 1681st to 1684th meetings, on 20 and 21 July 1998, and at its 1696th meeting, on 29 July 1998, adopted the following observations.

A. Introduction

350. The Committee commends the State party for addressing some of the issues raised in the Committee's concluding observations (CCPR/C/79/Add.1) following the examination of Algeria's initial report (CCPR/C/62/Add.1) in 1992. It notes that Algeria's second periodic report was submitted with a delay of more than two years. While acknowledging that the report and subsequent submissions provided information as to the laws and regulations adopted by the Algerian Government to implement the provisions of the Covenant, the Committee observes that it does not provide sufficient specific data on the prevailing human rights crisis. The Committee regrets that many of its questions were not fully answered by the delegation and welcomes Algeria's undertaking to submit additional written information in response to questions raised by Committee members during two days of dialogue, which was characterized by a sense of solidarity by the Committee with the suffering of the Algerian people.

B. Factors and difficulties affecting the implementation of the Covenant

351. Widespread and indiscriminate attacks against the civilian population, involving the loss of innumerable human lives, and a general climate of violence heighten the responsibilities of the State party to re-establish and maintain the conditions necessary for the enjoyment and protection of fundamental rights and freedoms in Algeria.

C. Positive factors

352. The Committee welcomes the establishment of the National Observatory for Human Rights, and the Médiateur de la République (Ombudsman of the Republic), with competence to receive complaints from individuals about human rights violations.

353. The Committee commends the establishment of the National Committee for the Preservation and the Promotion of Women, and the increased participation of women in public life.

D. Principal subjects of concern and recommendations

354. The Committee is appalled at the widespread massacre of men, women and children in a great number of villages and towns. The Committee is also seriously concerned that women have been the victims of not only killings, but also of abduction, rape and severe violence. The Committee is also concerned at the lack of timely or preventive measures of protection to the victims from police or military officials in the vicinity and at the persistent allegations of collusion of members of the security forces in terrorist attacks. Therefore:

The Committee urges the State party to adopt effective measures:

- (a) To prevent those attacks and, if they nevertheless occur, to come promptly to the defence of the population;
- (b) To ensure that proper investigations are conducted by an independent body to determine who the offenders are and to bring them to justice; and
- (c) In all cases of massacres, to conduct an independent enquiry into the conduct of the security forces, from the lowest to the highest levels, and, where appropriate, to subject them to penal and disciplinary sanctions.

355. The Committee is further concerned at the less than satisfactory responses from the delegation, with regard to innumerable reports of arbitrary or extrajudicial executions of individuals, some while in custody, others under suspicion of being associated in one way or another with terrorist groups. In regard to the foregoing:

The State party should urgently ensure that:

- (a) Independent mechanisms be set up to investigate all violations of the right to life and security of the person;
- (b) The offenders be brought to justice;
- (c) Access be given as soon as possible to the International Committee of the Red Cross and other independent observers.

356. The Committee is concerned about the meager information provided by the Government, both in its report and its oral presentation and in its responses to questions raised by the Committee, regarding the organization of "legitimate defence groups", their official recognition, competence, supervision and training. Serious questions arise as to the legitimacy of the transfer of such power by the State to private groups, especially in view of the power which the State itself confers on them and the very real risk to human life and security entailed by the exercise of that power, coupled with the risks of unsanctioned abuse. Therefore:

The Committee recommends that the Government urgently take measures to maintain within its police and defence forces the responsibility of maintaining law and order and the protection of the life and security of the population and, in the meantime, to ensure that these defence groups are brought under the strict and effective control of responsible State organs, and that they are promptly brought to justice in the case of abuse.

357. Notwithstanding the denial by the Algerian delegation that torture is not practised by certain authorities, the Committee is deeply concerned about persistent allegations of systematic torture. The Committee deplores the apparent routine acceptance by trial court judges of confessions extracted under duress, even when there is medical evidence of torture, and calls on the State party to take all necessary measures to redress this situation. In this regard:

The Committee urges the State party to ensure:

- (a) A credible system for monitoring treatment of all detainees so as to ensure that they are not subject to torture or to cruel, inhuman or degrading treatment;
- (b) That all specific allegations be investigated by an impartial body and that the results of such investigations be published;
- (c) That officials involved in torture be prosecuted and, if convicted, severely punished.

358. Given the unsatisfactory responses of the delegation and the number of complaints from family members, the Committee is gravely concerned at the number of disappearances and at the failure of the State to respond adequately, or indeed at all, to such serious violations. Disappearances may involve the right to life consecrated under article 6 of the Covenant, and where the disappeared individuals are still alive and are kept incommunicado, disappearances may involve the right guaranteed under article 16 of the Covenant which provides that every individual shall have the right to recognition everywhere as a person before the law. In this situation these individuals are also deprived of their capacity to exercise all the other rights, without any recourse, recognized under the Covenant. Furthermore, disappearances violate article 7 with regard to the relatives of the disappeared. Therefore:

The Committee urges the State party to adopt measures to establish a central register to record all reported cases of disappearances and day-to-day action taken to retrace the disappeared, and to assist the families concerned to retrace the disappeared.

The Committee further requests the State party, in its next periodic report, to give an account of the number of cases reported, the investigations conducted and the results achieved.

359. The Committee has noted that, while the Emergency Decree of 1992 relating to "subversion of terrorism" has been repealed, some of its provisions have been incorporated in the normal penal laws. Those provisions prescribe an increased number of offences for which the death penalty may be imposed; a lowering of the age to 16 for which a person may be liable to such a penalty; an extension from 2 to 12 days for which a suspect may be administratively detained incommunicado; and a definition of "terrorist" or "subversive" activities which lends itself to abuse. Therefore:

The Committee recommends that the amendments to the Penal Law be brought into strict compliance with articles 6 and 9 of the Covenant.

360. The National Observatory for Human Rights has conceded in its annual report for 1996 that places of detention exist which are outside the control legally stipulated by law. This reinforces allegations from many sources on detention of people who are not registered and brought before the courts, as required both by Algerian law and article 9 of the Covenant. Therefore:

The State party must ensure that:

- (a) Nobody may be arrested or detained "outside the law";

(b) Complaints about such arrest or detention be given immediate attention and relatives, friends or lawyers of persons detained are able to receive an effective remedy, which includes reviewing the legality of the detention;

(c) All persons arrested be kept at officially designated places of detention; their families be immediately informed; they have immediate access to a lawyer; and they are promptly charged and brought to trial;

(d) Their detention should not exceed the limit provided by law and they have a right to medical examination on arrest and at the end of their detention.

361. With regard to the guarantee of equal treatment of women in the enjoyment of all the rights guaranteed to them, the Committee notes the statement made by the delegation that the interpretative declaration concerning article 23, paragraph 4, of the Covenant made by Algeria on ratification of the Covenant would become obsolete with time. The Committee also notes that progress has been achieved by women in public life and civil society. Nevertheless, the Family Code still contains important areas of inequality which are not in conformity with articles 3, 16, 23 and 26 of the Covenant in respect of which Algeria has made no reservations. In this regard, the Committee notes that under the Family Code, a woman's consent to her first marriage is generally mediated by a male guardian, and that this guardian can deny the woman her choice of a husband. It notes also that the Family Code provides for the husband to be the head of the family and for the possibility of polygamous marriage, and that it precludes a woman from marrying a non-Muslim while the same restriction does not apply to a man. Therefore:

The Committee recommends that the State party should bring its legislation into conformity with all the rights to which women are entitled under articles 3, 16, 23 and 26 of the Covenant.

362. With regard to the judiciary, the Committee is concerned that the application of certain executive decrees of 1992 regulating nomination, promotion and dismissal of judges, compromises its independence. It is also concerned at the fact that judges enjoy immovability only after 10 years of work. In this regard:

The Committee should like to receive additional information on the procedure for designating, electing and dismissing judges. The Committee recommends that appropriate measures be taken to ensure the full independence of the judiciary.

363. The Committee notes the statement of the delegation that the intention underlying the Arabic Language Decree which came into force on 5 July 1998 was to reinforce the status which that national language should possess. The Committee notes, however, that the compulsory, immediate and exclusive use of that language in all areas of public activity would in effect impede large sections of the population who use Berber or French in the enjoyment of the rights guaranteed under articles 19, 25, 26 and 27 of the Covenant. Therefore:

The Committee recommends that the law should be urgently reviewed so as to remove the negative consequences that it produces.

364. The Committee welcomes the abolition of the State-controlled "reading committees" stationed at publishing establishments, as well as the formal directives prohibiting the publication of unauthorized information relating to "security issues". The Committee notes, however, that in practice numerous restrictions still persist with regard to freedom of expression dealing with, for example, coverage of allegations and discussion of corruption and criticism of government officials and of material regarded as an expression of sympathy or encouragement of subversion, all of which gravely prejudice the right of the media to inform the public and the right of the public to receive information. The Committee is also deeply concerned at the threats against and assassinations of journalists, human rights defenders and lawyers. In this regard:

The Committee recommends that current legislation should be reviewed so as to protect fully the right to freedom of thought and opinion and freedom of expression as guaranteed under articles 18 and 19 of the Covenant.

365. The Committee remains concerned that the State party's restriction under Law 97-09 on the right to form political parties effectively prohibits political activists the right to associate with one another or to vote for representatives of their choice, in view of the wide range of proscribed categories (religious, linguistic, racial, gender-related, regional, corporatist). Since taking effect, this law has been invoked to ban or prevent the legalization of more than 30 parties. Therefore:

The Committee recommends that the conditions required by the Covenant with respect to restrictions on the right to freedom of association be met and that current legislation be amended so as to bring it into conformity with the requirements of the Covenant and the obligations entered into by Algeria upon its accession to it.

366. The Committee observes that, although Algeria became a party to the Optional Protocol in 1989, very few communications have been addressed to the Committee, in spite of the widespread human rights crisis and consequent violations which have occurred in the past decade. This situation indicates that the people in Algeria may not be aware of their right to address communications to the Committee. Therefore:

The Committee recommends that urgent steps be taken by Algeria to make known to the public, the universities, the legal community and, particularly, the non-governmental human rights organizations, the rights protected under the Covenant and the fact that individuals whose rights have been violated may submit communications to the Committee.

367. The Committee draws to the attention of the Government of Algeria the provisions of paragraph 6 (a) of the Guidelines Regarding the Form and Contents of Periodic Reports from States Parties, and requests that its next periodic report, due in June 2000, should contain material which responds to all the present concluding observations. The Committee further requests that Algeria's second periodic report and these concluding observations be widely disseminated among the public at large in all parts of Algeria.